

REMARKS:

Claims 14-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,925,691 (“Cimperman”). Applicants assume that claim 21 is also rejected on the same basis that claim 18 stands rejected and request that the Examiner advise if this assumption is not correct. In response to the rejection, Applicants respectfully contend that claims 14-21 are patentable over the cited reference for the following reasons.

Cimperman fails to teach or suggest steps (b) and (c) of claim 14, which are performed before a step of slicing a pitted fruit as the fruit translates along a “second” path. The “second” path is at least substantially circular. Steps (b) and (c) of claim 14 recite:

(b) while translating a fruit along a segment of a circular “first” path (parallel to but separated from the “second” path), ejecting a pit from the fruit while a pitting knife is engaged with the fruit and retracting a coring knife away from the fruit; and

(c) after step (b), retracting the pitting knife with the pitted fruit impaled thereon, thereby moving the pitted fruit along an at least generally helical path to a point along the second path.

In contrast, Cimperman teaches (e.g., at col. 2, lines 6-21, and col. 6, line 56 through col. 7, line 27) several embodiments of a method for pitting and slicing an olive while the olive translates along a single circular path. The olive is pitted as it translates along a first portion of the path, and is then sliced as it translates along a second portion of the same path. The olive is optionally engaged by holding knives as it translates along a third portion of the same path (between the first and second portions). For example, Cimperman teaches at col. 6, line 56, through col. 7, line 19 (with reference to Figs. 6 and 7): pitting olive 10 in cup 16 as the olive translates along a circular path perpendicular to the plane of Fig. 6 (and the plane of Fig. 7); and without retracting the olive away from this circular path (to a second path parallel to the circular path), continuing to translate the olive into engagement with fixed holding knives 20 (as shown in Fig. 7). Cimperman teaches (e.g., at col. 7, lines 20-27) that holding knives can be omitted if slicing knives engage the olive before a pitting knife has disengaged from the olive. The latter teaching also assumes that the olive is pitted and sliced while the olive translates along a single circular path.

An important advantage of slicing articles of pitted fruit as they move along a “second” path displaced from a circular pitting path (as claimed) is that this allows a waste chute to be positioned below the pitting path to receive unpitted fruit (e.g., any fruit that is not picked up between a pitting knife and coring knife upon entering the pitting/slicing apparatus) and debris (e.g., pit fragments) that fall from points along the pitting path into the waste chute, and also allows a separate product chute to be positioned below the “second” path to receive fruit slices that fall into the product chute from points along the second path. Thus, unpitted fruit and pit fragments are prevented from falling into the product chute. In contrast, pitting and slicing fruit in accordance with Cimperman’s teaching would prevent the positioning of separate waste and product chutes such that the waste chute (but not the product chute) receives unpitted fruit and pit fragments that fall from points along the pitting path.

Cimperman also fails to teach or suggest step (d) of claim 14, which is a step of: translating a pitted fruit (along an at least substantially circular path) past a set of spring-biased, pivotably mounted slicing knives in such a manner that the slicing knives engage with and slice the pitted fruit, wherein the slicing knives are spring-biased in a first orientation and have freedom to pivot away from the first orientation and then spring back into the first orientation.

The Examiner does not contend that Cimperman teaches or suggests this step and instead apparently contends that the recited step is equivalent to a step of slicing fruit in any manner (or at least in the manner disclosed in Cimperman). Applicant respectfully contends that step (d) of claim 14 is not equivalent to a step of slicing fruit in any manner disclosed by art of record, and instead has advantages (over the teaching of the art of record) that would not have been apparent to one of ordinary skill in the art faced with the problem of designing a fruit pitting and slicing apparatus. One such advantage is the avoidance of damage to (and dulling of) slicing knives that could result if hard debris (e.g., a pit or pit fragment that clings to a pitted olive) enters a slicing area and becomes jammed against slicing knives that are not spring-biased and pivotably mounted, as the debris translates into engagement with the slicing knives.

Cimperman also fails to teach or suggest step (c) of claim 18, which is performed after pitting a fruit (in a pitting cup) and requires retraction of a pitting knife with the pitted fruit impaled on the pitting knife, thereby pulling the pitted fruit into a slicing pocket defined by a chuck plate assembly. The slicing pocket is an element distinct from the pitting cup.

In contrast, Cimperman teaches (e.g., at col. 2, lines 6-21, and col. 6, line 56 through col. 7, line 27) several embodiments of a method for pitting and slicing an olive while the olive translates in a single cup along a single circular path. The olive is pitted as it translates in the cup along a first portion of the path, and is then sliced as it translates in the cup along a second portion of the same path. The olive is optionally engaged by holding knives as it translates in the cup along a third portion of the same path (between the first and second portions). There is no suggestion in Cimperman that such a cup should be a slicing pocket defined by a chuck plate assembly. For example, Cimperman teaches (at col. 6, line 56, through col. 7, line 19, with reference to Figs. 6, 7, and 8) the steps of pitting olive 10 in cup 16 as the olive translates along a circular path perpendicular to the plane of Fig. 6 (and to the plane of each of Figs. 7 and 8); and then slicing the olive in the same cup as it continues to translate along the circular path (as shown in Fig. 8).

Cimperman also fails to teach or suggest step (d) of claim 18, which is a step of translating a pitted fruit impaled on a pitting knife into engagement with a set of spring-loaded slicing knives and retracting the pitting knife out of engagement with the pitted fruit, thereby causing the slicing knives sever the pitted fruit into slices.

The Examiner does not contend that Cimperman teaches or suggests this step, and instead apparently contends that the recited step is equivalent to a fruit slicing step disclosed in Cimperman. Applicant respectfully contends that step (d) of claim 18 is not equivalent to a step of slicing fruit in any manner disclosed by Cimperman or any other reference of record, and instead has advantages (over the teaching of the art of record) that would not have been apparent to one of ordinary skill in the art faced with the problem of designing a fruit pitting and slicing apparatus. One such advantage is the avoidance of damage to (and dulling of) slicing knives that could result if hard debris (e.g., a pit or pit fragment that clings to a pitted olive) enters a slicing area and becomes jammed against slicing knives that are not spring-

biased and pivotably mounted, as the debris translates into engagement with the slicing knives.

Thus, Applicants respectfully contend that claims 14 and 18 (and all claims depending directly or indirectly therefrom) are patentable over Cimperman and the other art of record.

Respectfully submitted,

GIRARD & EQUITZ LLP

Dated: November 16, 2004 By: Alfred A. Equitz  
Alfred A. Equitz  
Reg. No.30,922

Attorneys for Applicant(s)

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